

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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MAKIKO YAMASHITA,

Plaintiff,

v.

KAIJU STUDIOS LLC, DAVID  
BORDEN, RANDY BORDEN  
AND FENWAY RECORDINGS,

Defendants.

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Civil Action No. 05-10298 RWZ

**ASSENTED-TO MOTION OF FENWAY RECORDINGS TO  
ENLARGE TIME IN WHICH TO RESPOND TO COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b), defendant Fenway Recordings, with the assent of plaintiff Makiko Yamashita, hereby moves to enlarge the time in which it has to respond to plaintiff's complaint to September 9, 2005.

On July 8, 2005, while engaged in promising settlement discussions, the parties filed the Assented-to Motion of Fenway Recordings to Enlarge Time in Which to Respond to Complaint. The Court granted that motion and entered a new deadline of August 31, 2005. The parties are not certain that they will be able to reach a final resolution of their dispute by that date, but continue to engage in active and productive settlement negotiations. The parties have reached agreement in principal on many key issues and expect to file a dismissal of the action within the time requested for enlargement.

**Respectfully submitted,**

**FENWAY RECORDINGS,**

**By its attorney,**

**/s/ Elizabeth H. Cleary**  
**Thomas W. Aylesworth (BBO# 630994)**  
**Elizabeth H. Cleary (BBO# 647221)**  
**Nutter McClellmen & Fish LLP**  
**World Trade Center West**  
**155 Seaport Boulevard**  
**Boston, MA 02210**  
**(617) 439-2000**

**Assented-To:**

**MAKIYO YAMASHITA,**

**By her attorney,**

**/s/ Heidi E. Harvey**  
**Heidi E. Harvey (BBO# 548114)**  
**Fish & Richardson P.C.**  
**225 Franklin Street**  
**Boston, MA 02110**  
**(617) 542-5070**